

Appl. No. 10/624,191
Amdt. Dated October 18, 2006
Reply to Office action of April 18, 2006

AMENDMENTS TO THE DRAWINGS

The attached replacement drawing sheet include changes to Figure 8, to address the Examiner's objection to the representation of the protrusions 802. Applicants respectfully submit that no new matter has been entered by way of this amendment.

REMARKS/ARGUMENTS

The Status of the Claims.

Claims 1-39 and 85-109 are pending with entry of this amendment, claims 40-71, 84 and 110-119 being cancelled in a previous amendment, and claims 72-83 being withdrawn. Claims 9, 30 and 34 are cancelled and claims 1, 12, 14, 22, 32, 35-36, 85, 92, 94, 100, 102, and 106 are amended herein. These amendments introduce no new matter and support is replete throughout the specification. See, for example, paragraphs [0008], [0052], [0055], [0065], [0067] -[0069], [0074], [0076], [0078], [0081]-[0083], the Figures, and the claims as originally filed.

These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record. Applicants submit that no new matter has been added to the application by way of the above Amendment. Accordingly, entry of the Amendment is respectfully requested.

The Drawings.

The drawings were objected to under 37 CFR 1.83(a) as allegedly not showing every feature of the invention specified in the claims. Applicants traverse.

Figure 8 allegedly appears to depict an array of apertures, rather than protrusions. Applicants have herein amended Figure 8 to further clarify the schematic depiction of array of protrusions 802 included on gasket sheet 800. Accordingly, Applicants respectfully request that the objection be withdrawn.

The Information Disclosure Statement.

Applicants note with appreciation the Examiner's consideration of the references cited in the Information Disclosure Statement (Form 1449) submitted on July 21, 2003, but respectfully request clarification regarding the review status of the references not initialed by the Examiner (references 2-15 on Form 1449, page 1).

35 U.S.C. §112, Second Paragraph

Claims 9, 12, 14, 30, 32, 34-39, 85-94, 100 and 106 were rejected under 35 U.S.C. §112, second paragraph, as allegedly unclear for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants traverse to the extent that the rejections apply to the amended claims.

Claims 9, 30 and 34 have been cancelled, and claims 12, 14, 32, 35-36, 85, 92, 94, 100, and 106 have been amended to address the allegedly functional, operational, or unclear language as helpfully suggested by the Examiner. Applicants respectfully submit that the claims as amended are not indefinite and request that the rejections be withdrawn.

Claim Interpretation

Claims 9, 12, 14, 30 and 34 were rejected as allegedly not reciting further structural limitations of the claimed invention. Applicants traverse to the extent that the rejections apply to the amended claims. As noted above, Claims 9, 30 and 34 have been cancelled, and claims 12 and 14 have been amended to further clarify the structural limitations of the claimed invention. Applicants respectfully request that the rejections be withdrawn.

35 U.S.C. §103(a)

THE CLAIMS ARE PATENTABLE OVER STANCHFIELD AND SANADI

Claims 1-2, 6-39 AND 85-109 were rejected under 35 U.S.C. §103(a) as allegedly obvious in light of Stanchfield et al. (USPN 6,054,100) in view of Sanadi (USPN 5,516,490). Applicants traverse to the extent that the rejection applies to the amended claims.

Claims 1-2 and 6-39 are drawn to parallel reaction devices having a reaction block comprising an array of reaction wells, a top gasket, a top lid attached to the reaction block by at least one top attachment component, which top lid comprises at least one protrusion that presses the top gasket into contact with reaction well, and a bottom lid attached to the reaction block by at least one bottom attachment component. Claims 85-109 are drawn to containers for reaction blocks, the containers comprising (a) a band having one or more band portions and various attached components (one or more first top hinge components, first top latch components, first bottom hinge components, and first bottom latch components); (b) a top lid comprising at least one second top hinge component and at least one second top latch component, and (c) a bottom lid comprising at least one second bottom hinge component and at least one second bottom latch component.

Stanchfield is alleged to disclose a multi-welled synthesis and filtration apparatus, but does not teach or disclose protrusions on the top lid for pressing the top gasket, as noted by the Examiner. Sanadi is alleged to teach a multi-well plate assembly that employs a resilient gasket and a lid with annular collars. The Office Action states that it would have been obvious to one of skill in the art to have employed the Sanadi gaskets and/or lid protrusions in the Stanchfield assemblies to produce the claimed devices. Applicants traverse.

Three requirements must be met for a *prima facie* case of obviousness. First, the prior art reference must teach all of the limitations of the claims. M.P.E.P. § 2143.03. Second, there must be a motivation to modify the reference or combine the teachings to produce the claimed invention. M.P.E.P. § 2143.01. Third, a reasonable expectation of success is required. M.P.E.P. § 2143.02. The teaching or suggestion to combine and the expectation of success must be both found in the prior art and not based on Applicants' disclosure. M.P.E.P. §2143.

As a first point, neither of the cited publications teach or describe the limitations of the claimed invention. For example, the cited art does not teach or describe reaction blocks having a substantially continuous recessed region disposed in the four sides of the block. Rather, the Stanchfield reaction blocks have a skirt feature "which protrudes about the periphery of the block... The skirt provides a site for the independent attachment of the upper and lower covers to the block via a plurality of clips which are present on the covers" (column 4, lines 31-37; also see component 26 in Figure 1). Stanchfield does not teach or describe a substantially continuous recessed region running around the four sides of the reaction block, or a container comprising a band, top and bottom lids, and the various top/bottom latch and hinge components. The "tube tray assemblies" (reaction blocks) taught by Sanadi do not remedy this deficit. Since the limitations of the claimed invention are not taught by the cited art, the first criterion for proving a *prima facie* case of obviousness has not been met.

With respect to the second and third criteria, Applicants submit that there is no motivation to remove the laterally protruding skirt of the Stanchfield reaction block and introduce a substantially continuous recessed region, nor is there any reasonable expectation of successfully producing a functional device upon doing so. The attachment mechanism (clips) provided by Stanchfield requires the presence of the laterally protruding skirt and cut-outs, which "provide the sites of attachment upon the synthesis block 12 for both the upper and the lower covers (14 and 16)" (see column 7, lines 28-30). Replacement of the skirt with a recessed region would make the attachment mechanism non-functional. Applicants submit that the second and third criteria for proving obviousness have not been met by the Office.

Since Stanchfield and Sanadi, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness (all of the claimed elements are not taught, there is no motivation to modify the cited art, nor is there a reasonable expectation of successfully producing the claimed invention), Applicants submit that the rejection is improper and respectfully request that it be withdrawn.

CLAIM 3 IS PATENTABLE OVER STANCHFIELD, SANADI AND CARGILL

Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly obvious in light of Stanchfield in view of Sanadi, and in further view of Cargill et al. (USPN 5,770,157). Applicants traverse.

As noted above, there are three criteria for proving a *prima facie* case of obviousness. First, the cited art, taken with the general knowledge in the field, provide all of the elements of the claimed invention. Claim 3 is drawn to parallel reaction devices as described above, and which further include cavities to direct fluidic materials away from other inlet portions of adjacent reaction wells. Stanchfield is alleged to teach a multi-welled synthesis and filtration apparatus sans protrusions on the top lid; Sanadi is alleged to teach a multi-well plate assembly having a lid with annular collars. Cargill is alleged to teach or describe additional array openings disposed between well inlets. However, none of these references, alone or in combination, provide all of the limitations of the claimed invention. As noted above, neither Stanchfield nor Sanadi teach or describe reaction blocks having a substantially continuous recessed region disposed in the four sides of the reaction block. Cargill does not remedy this deficit. As such, Applicants respectfully submit that the cited art does not meet the first criterion for proving a *prima facie* case for obviousness. Nor do the references meet either the second and third criteria. There is no motivation in any of the cited publications to provide a substantially continuous recessed region around the periphery of the Stanchfield reaction block, nor is there any expectation of being able to successfully clamp the device had one been provided.

Since Stanchfield, Sanadi and Cargill, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness, Applicants submit that the rejection is improper and respectfully request that it be withdrawn.

THE CLAIMS ARE PATENTABLE OVER STANCHFIELD, SANADI AND BACH

Claims 4-5 were rejected under 35 U.S.C. §103(a) as allegedly obvious in light of Stanchfield in view of Sanadi and in further view of Bach et al. (USPN 6,413,780). Applicants traverse.

As noted above, a *prima facie* case of obviousness requires that the cited art provide all of the elements of the claimed invention. Claims 4-5 are drawn to embodiments of parallel reaction devices having reaction wells having specified inner and an outer cross-sectional shapes. Stanchfield is alleged to teach a multi-welled synthesis and filtration apparatus sans protrusions on the top lid; Sanadi is alleged to teach a multi-well plate assembly having a lid with annular collars.

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Bach is alleged to teach or describe reaction wells having different cross-sections. However, none of these references, alone or in combination, provide all of the limitations of the claimed invention. As noted above, neither Stanchfield nor Sanadi teach or describe reaction blocks having a substantially continuous recessed region disposed in the four sides of the reaction block. Bach does not remedy this deficit. As such, Applicants respectfully submit that the cited art does not meet the first criterion for proving a *prima facie* case for obviousness. Nor do the references meet either the second and third criteria. There is no motivation in any of the cited publications to provide a substantially continuous recessed region around the periphery of the Stanchfield reaction block, nor is there any expectation of being able to successfully clamp the device had one been provided.

Since Stanchfield, Sanadi and Bach, alone or in combination, do not meet the criteria for proving a *prima facie* case for obviousness, Applicants submit that the rejection is improper and respectfully request that it be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 337-7871 to schedule an interview.

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Respectfully submitted,



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Attachments:

- 1) A petition to extend the period of response for 3 months;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet;
- 4) Replacement Drawing Sheet(s); and,
- 5) A receipt indication postcard.